

Message Text

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ACTION L-03

INFO OCT-01 EUR-25 ISO-00 SCA-01 JUSE-00 SSO-00 RSC-01

DRC-01 /032 W

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O 191719Z FEB 74

FM AMEMBASSY LONDON

TO SECSTATE WASHDC IMMEDIATE 8052

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E.O. 11652:N/A

TAGS: CPRS, PFOR, UK

SUBJECT: EXTRADITION: MERVYN HAROLD CROSS

REF: STATE 29427

1. HOME OFFICE ADVISED EMBASSY THAT CROSS TAKEN INTO CUSTODY FEBRUARY 16 IN RESPONSE TO OUR REQUEST FOR PROVISIONAL ARREST.

2. UNDER NEW PROCEDURE NOW FOLLOWED AS A RESULT OF HOUSE OF LORDS DECISION OF FEBRUARY 1 ON APPEAL OF GERMAN GOVERNMENT (BEING POUCHED) IN SOTERIADES CASE (LONDON 13533 OF NOVEMBER 20, 1973), BOW STREET COURT MAGISTRATE HAS SET MARCH 18 DEADLINE FOR RECEIPT OF ORDER TO PROCEED FROM HOME SECRETARY.

3. HOME OFFICE URGES EMBASSY TO SUBMIT PRELIMINARY DOCUMENTATION BY MARCH 11 CONSISTING OF ORIGINAL WARRANT OR WARRANTS, FORMAL EVIDENCE OF IDENTITY, STATEMENT OF FACTS REGARDING OFFENSE, TEXT OF LAW OR LAWS VIOLATED AND STATEMENT THAT OFFENSE CONSTITUTES FELONY AS MINIMUM REQUIREMENT TO ENABLE HOME SECRETARY TO ISSUE ORDER. OTHER EVIDENCE IN SUPPORT OF EXTRADITION SUCH AS SWORN AFFIDAVITS OF WITNESSES, ETC. MUST BE SUBMITTED WITHIN TWO MONTHS AFTER APPREHENSION OF FUGITIVE (ARTICLE 11 OF TREATY) WHICH, IN ACCORDANCE WITH HOUSE OF LORDS RULING, LIMITED OFFICIAL USE

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TAKES PLACE ON FIRST REMAND OF FUGITIVE BY MAGISTRATE

AFTER HE RECEIVES ORDER TO PROCEED FROM HOME SECRETARY. IN EFFECT, NEW PROCEDURES WILL ALLOW U.S.G. TIME LIMITATION OF THREE MONTHS FOR SUBMISSION OF ALL SUPPORTING EVIDENCE IN EXTRADITION CASES IN WHICH REQUEST FOR PROVISIONAL ARREST IS MADE.

4. HOME OFFICE ALSO ADVISED EMBASSY THAT ON FEBRUARY 14 NEW SCOTLAND YARD RECEIVED CABLE FROM FLORIDA POLICE AUTHORITIES STATING THAT WARRANT ISSUED BY JUDGE ROGER A. BARKER, CIRCUIT COURT, OCEOLA, FLORIDA CHARGES CROSS WITH "2 COUNTS OF LEWD AND LASCIVIOUS ASSAULT ON A CHILD" AND THAT "HE WILL ALSO BE INDICTED FOR RAPE, A CAPITAL OFFENSE IN FLORIDA". THESE CHARGES NOT INCLUDED IN STATE 29427, BUT EMBASSY ASSUMES FLORIDA DISTRICT ATTORNEY CONCERNED WILL WISH TO HAVE CHARGES SET FORTH IN DEPARTMENT-AUTHENTICATED DOCUMENTS TO BE SUBMITTED BY MARCH 11.

ANNENBERG

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Message Attributes

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Disposition Approved on Date:
Disposition Authority: morefirh
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
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Drafter: n/a
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